

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALLSTATE INDEMNITY COMPANY,)	
)	
Plaintiff,)	
)	Cause No. 4:11-cv-1910
vs.)	
)	
CHANTE BASS,)	
)	
)	
Defendant.)	

MOTION TO SET-ASIDE DEFAULT

Comes now Chante Bass and moves this Court pursuant to Rule 74.06 to set-aside the default judgment in this cause and as grounds therefore, states as follows:

1. Allstate filed its declaratory judgment action and attempted to serve defendant Bass by serving summons upon her Great Grandmother at the address on 8654 Oriole Avenue, St. Louis, Missouri on December 12, 2011.

2. That the address of the subject matter in this litigation was located at 5260 Maple, St. Louis, Missouri.

3. That after the loss and at the time of the filing of Plaintiff's declaratory judgment action, defendant Bass resided at 822 Teurville Drive, St. Louis, Missouri 63137. See Exhibit A.

4. That pursuant to Rule 4, this Court follows State law for serving a summons in an action brought where District Court is located.

5. That pursuant to 74.06, the Court may relieve a party from a final judgment if the judgment is irregular or void. Kerth v. Polestar Entertainment, 325

S.W.3rd 373 (Mo.App.ED 2011), State ex rel.,Houston vs. Malen, 864 S.W.2d 427 (Mo App. SD 1993).

6. That since service was never properly obtained upon defendant, the default judgment is void and must be set-aside.

WHEREFORE, for the reasons stated herein and for the reasons for good cause shown, defendant prays this Court to enter its order striking plaintiff's default judgment and for such further relief as this Court deems proper.

THE ROBBINS LAW FIRM

/s/ Joseph K. Robbins

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was placed in the U.S. Mail, postage prepaid on this 12th day of November, 2013, to: Mr. Robert L. Brady, Attorney at Law, 800 Market Street, Suite 1100, St. Louis, Missouri, 63101.

/s/ Joseph K. Robbins